

Remarks

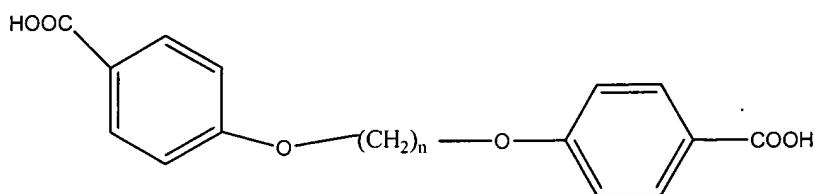
Claims 2, 3, 5, 7, 8, 20, 21, 24, 25, 27, 28, 31, 33, 34, and 37-39 are amended, claims 9, 29, and 35 are canceled, and claim 41 is added; as a result, claims 1-8, 10-28, 30-34, and 36-41 are now pending in this application.

The 35 U.S.C. § 102 Rejections of the Claims

Claims 1-26 were rejected under 35 U.S.C. § 102(b) as anticipated by EP 0580386. The Examiner draws attention to pages 2-9, Tables 1-3, the examples and claims 1-10. This rejection is respectfully traversed.

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *In re Dillon*, 919 F.2d 688, 16 U.S.P.Q.2d 1897, 1908 (Fed. Cir. 1990) (en banc), cert. denied, 500 U.S. 904 (1991). For anticipation, there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the art. *Scripps Clinic & Res. Found. v. Genentech, Inc.*, 927 F.2d 1565, 18 USPQ2d 101 (Fed. Cir. 1991). To overcome the defense of anticipation, "it is only necessary for the patentee to show some tangible difference between the invention and the prior art." *Del Mar Engineering Lab v. Physio-Tronics, Inc.*, 642 F.2d 1167, 1172, (9th Cir. 1981).

EP 0580386 discloses an aromatic dicarboxylic acid having the formula:



The moiety O-(CH₂)_n-O in the above formula corresponds to group R in Applicant's claims and is substituted *para* to the carboxyl groups (COOH) on each of the two aromatic rings. The aromatic polyanhydride produced from this dicarboxylic acid has the O-(CH₂)_n-O moiety *para* to the anhydride group. See Figure 2.

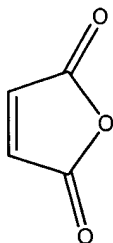
However, Applicant's claims recite that R is a difunctional organic moiety substituted on each Ar ortho to the anhydride group. For the Examiner's convenience, Applicant has attached a

page from an Imperial College of London online organic chemistry tutorial explaining and defining *inter alia* the terms *ortho* and *para*. See Fig. 6.

Because EP 0580386 does not set forth every element of Applicant's claims, there is no anticipation. Withdrawal of this rejection is respectfully requested.

Claims 27-40 were rejected under 35 U.S.C. § 102(b) as anticipated by JP 61186309. The Examiner draws attention to the abstract and claims. This rejection is respectfully traversed.

The Examiner apparently considers the disclosure of an alternating copolymer of maleic anhydride and methyl vinyl ether in JP 61186309 as anticipatory. Maleic anhydride has the following structure:



Maleic anhydride hydrolyzes to maleic acid, an unsaturated aliphatic dibasic acid. Accordingly, maleic anhydride is not an aromatic anhydride; it is an unsaturated aliphatic anhydride. Please see the attached page from the textbook A. Day et al., *Organic Chemistry*, Van Nostrand, Princeton, 1960, p. 712, provided for the Examiner's convenience. Methyl vinyl ether is an aliphatic ether; it contains no aromatic group.

In contradistinction, Applicant's claims recite an aromatic polyanhydride. An alternating copolymer of maleic anhydride with methyl vinyl ether is not an aromatic polyanhydride. Because JP 61186309 does not set forth every element of Applicant's claims, there is no anticipation. Withdrawal of this rejection is respectfully requested.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6900 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

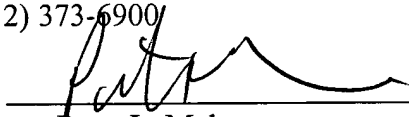
Respectfully submitted,
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By her Representatives,

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Date

June 27, 2005


By


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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 27 day of June, 2005.

LISA ROSORSKE

Name



Signature